

## Task Force to Study Mulching, Composting, and Wood Processing

### Approved Minutes

November 3, 2014

Mr. Goldman called the meeting to order at 6:12 p.m. in the Latimer Room, Maryland Center for Entrepreneurship, 9250 Bendix Road, Columbia MD.

Members Present: Zach Brendel, Martha Clark, Jeff Dannis, Richard Goldman, Sean Harbaugh, Cathy Hudson, Stu Kohn, Rick Lober, Brent Loveless, Theodore Mariani, Lynn Moore, Bert Nixon, Keith Ohlinger, Robert Orndorff, Brent Rutley, John Tegeris, and Kathy Zimmerman.

Others Present: Marsha McLaughlin and Cindy Hamilton, Department of Planning and Zoning; and Jeff Meyers, Task Force staff. Several members of the public were in attendance.

Mr. Goldman asked for comments about the minutes, but none were offered. Mr. Brendel moved to approve the minutes, Ms. Hudson seconded and the minutes were approved.

Although Mr. Rutley was the next agenda item, he suggested that the Task Force review the large table that Ms. McLaughlin had provided that describes the State and some County controls over Natural Wood Waste Recycling and Composting and offers ideas about what the County might consider changing. That document is appended below.

As part of the discussion of the table, the Task Force reached a consensus that additional controls are needed over the development process to ensure that wood waste is properly handled and stored in ways that do not endanger or unduly offend the neighbors. Mr. Loveless related issues in recent development in North Laurel where children were playing on unsecured, large waste piles.

The Task Force recommends that the County continue to allow by-right in all zones the on-site recycling of wood waste and on-site composting if: (1) the feedstocks are entirely generated on-site; and (2) the resulting product is entirely used on site. Some members of the Task Force representing the residential groups would add a size limit to the area devoted to processing. When property owners recycle their own natural wood waste, yard waste, and similar materials the County benefits by a reduction of trash sent to the landfill.

The Task Force further recommends that the County commit additional resources to enforcement to ensure that Zoning and other controls are followed and that those who should have permits have them and are abiding by them. The enforcement effort is seen largely as a DPZ responsibility but there are roles to be played by The Department of Fire and Rescue Services and the Department of Health and perhaps other agencies.

The Task Force spent considerable time discussing MDE's tier system for various facilities that compost feedstocks of different types. The Task Force had some uncertainty about how to regard animal owners who bring in wood shavings or similar material as bedding and then later compost the used material. Generally the Task Force does not consider this activity to be "importing feedstock" for permit purposes. The Task Force had some uncertainty about MDE requirements for those who accept feedstocks, such as a truckload of wood chips from BGE, on a casual, non-recurring, or isolated basis. Mr. Kohn reminded the Task Force of his total disgust that MDE refused to send a representative to the Task Force. Nevertheless, the Task Force recommends that where an MDE permit for composting is NOT required, the exempted activity be allowed by-right on farms anywhere in the County and on certain residential properties. The details are to be included on Ms. McLaughlin's updated table.

The Task Force has not reached a consensus on the precise Zoning controls to be imposed on those who hold an MDE Tier 1 composting permit although most members seemed comfortable with the concept of restrictions. For farms large enough to need an MDE permit for tier 1 composting, but smaller than a specified (but not yet determined size), the Task Force generally would allow composting by-right but limit the area devoted to composting activities to be 10% of the farm's size with a 2 acre cap. However, not all members would place a limit on farms and some members recommended either a larger or smaller cap. And Dr. Tegeris added that the residents he represents would prefer this activity to be a conditional use, which would allow the neighbors to testify on the matter. Dr. Tegeris also indicated that he plans to submit a minority report whatever the Task Force decides.

Mr. Ohlinger reminded the Task Force that farmers are subject to nutrient management and stormwater management controls which, for smaller operations, would eliminate the need for additional, overlapping controls. Mr. Brendel added that some farms have pesticide applicator permits, which carry additional restrictions. Mr. Nixon suggested that the County might have a waiver system instead of requiring the conditional use process for some occasional farm activities, which Dr. Tegeris thought could be reasonable.

The Task Force discussed but did not reach a consensus on setbacks, buffers, controls of airborne matter and runoff, trucks or traffic, fire safety, hours of operation, or other possible conditions that would control composting activities.

The Task Force adjourned at 8:55 p.m., but most members met in the parking lot at Mr. Rutley's vehicle. Mr. Rutley demonstrated how much mulch compacts. He had a clear container filled to the brim with mulch. Then he pushed it down with his gloved hands demonstrating how much the pile height had gone down.

The next meeting is November 10, 2014, at the Latimer Room, Maryland Center for Entrepreneurship, 9250 Bendix Road, Columbia MD.

Natural Wood Waste and Composting				
	MDE Role	MDE Criteria	Howard County Role	Howard County Criteria (Zoning)
Natural Wood Waste	No permit	Sec. 26.04.09.02.B(5)(b) exempts single individual /business that recycles materials generated on site.	None	Allow by right in RC and RR, using MDE criteria regarding on site generated materials – with no size limit
	NWWR Permit COMAR, Title 26, Subtitle 04, Chap.09.	Any properties that recycle materials not generated on site, but to be used on site	None?	Allow by right in RC and RR. Note: MDE regulations don't set any size limit.
	NWWR Permit Sec. 26.04.09	Any properties that recycle materials not generated on site, that may be both used on site and distributed off site	DPZ administrative permit (Sec. 128.0 of Zoning Regs)	RC and RR zoned property with <u>small</u> facilities not larger than 40,000 SF?? or a maximum of ____% of parcel acreage  Setbacks: For areas used for processing, increase RC and RR setbacks to residential property to ____ ??
	NWWR Permit Sec. 26.04.09	Same	Conditional Use (Sec. 131.0.N of Zoning Regs)	For RC and RR zoned property with <u>larger</u> facilities than above (40,000SF), but not to exceed ____ sf area? ____% of the parcel?  Other conditional use criteria: <ul style="list-style-type: none"> <li>Setbacks from residential properties (300 ft?? from lot lines or 500 ft from existing houses?)</li> <li>Setback from streams (150ft? 200 ft?)</li> <li>Forest or landscape buffers (minimum width of 100 ft? 200 ft?)</li> <li>How dust and odors will be controlled</li> <li>Adequate access for trucks &amp; emergency vehicles (road classification, site distance)</li> <li>Adequate water supply as determined by DFRS</li> <li>Limits on days and hours of operation</li> <li>Requires submission of MDE permit application</li> </ul> The Hearing Examiner can impose other conditions that are appropriate to prevent adverse impacts on adjoining parcels.  Requires submission of a Site Development Plan to be reviewed by County agencies (addresses access, traffic, fire code, stormwater management, etc.).  SDP can't be approved until MDE permit is issued
	NWWR Permit Sec. 26.04..09	Same	Permitted by right in M-1 and M-2 district	Requires submission of a Site Deveopment Plan for review by County agnecies (addresses access, traffic, fire code stormwater management, etc.)  SDP can't be approved until MDE permit is issued

Natural Wood Waste and Composting				
	MDE Role	MDE Criteria	Howard County Role	Howard County Criteria (Zoning)
<b>Composting Type 1</b> (Yard waste and other low risk materials approved by MDE. (see definition in Sec.26.04.11.02 (37))	No permit Sec.26.04.11.05 (c)(1) and 26.04.11.06.C	Farms and residential properties that compost organic materials generated and used on the site (no size limit)	None	Allowed by right on farms and single family properties in all residential zoning districts
	No permit Sec. 26.04.11.06.E and Sec. 26.04.11.05.C	Farm and non-farm facilities using 5,000 SF or less area (with 12 ft height limits for composting piles).	None	Allowed by right in RC and RR, and single family detached properties in R-ED,R-20 and R-12 zoning districts if 3 acres or greater
	No permit Sec. 26.04.11.06.D	Farm facility using no more than 40,000 SF that: -complies with General Restrictions in Sec. 26.04.11.04.B --has a soil conservation & water quality mgt plan - composts only organic material generated on site or another farm controlled by the same operator; animal manure and bedding regardless of origin; & Type 1 feedstocks regardless origin. - May distribute off-site.	None	Allowed by right in RC and RR districts.
	Type 1 Composting Permit Sec.26.04.11.06.D	Same as above	None	Allowed on farms in RC and RR districts up to the threshold above, but allowed to import Type 2 feedstocks (grocery stores, restaurants) for use on the farm
	Type 1 Composting Permit Sec.26.04.11.06.D	Farm facility greater than 40,000 SF that complies with General Restrictions (Sec. 26.04.11.04.B) & all MDE permit requirements. MDE doesn't limit off site distribution	None	Allowed on farms in RC and RR districts up to a maximum size of ____ sf area? OR ____% of the parcel?  Increase setback for composting facility to 100 ft?? 200 ft?
	Type 1 Composting Permit Sec. 26.04.11.05 & .06	Same as above that are s greater than ____SF, as well as non-farms	Conditional use	For RC and RR zoned properties with facilities greater than thresholds above, but not to exceed ____ sf area? OR ____% of the parcel? OR volume exceeding ____ cubic yds/ yr.  Potential conditional use criteria: <ul style="list-style-type: none"> <li>Setbacks from residential properties (300 ft?? from lot lines or 500 ft from existing houses?)</li> <li>Setbacks from streams (150 ft? 200 ft?)</li> <li>Forest or landscape buffers (100 ft? 200 ft?)</li> <li>How dust and odors will be controlled</li> <li>Adequate access for trucks&amp; emergency vehicles (road classification, site distance)</li> <li>Adequate water supply as determined by DFRS</li> </ul>

Natural Wood Waste and Composting				
	MDE Role	MDE Criteria	Howard County Role	Howard County Criteria (Zoning)
				<ul style="list-style-type: none"> <li>Limits on days and hours of operation</li> <li>Requires submission of MDE permit application</li> </ul> <p>The Hearing Examiner can impose other conditions that are appropriate to prevent adverse impacts on adjoining parcels (see General Criteria for all conditional uses). Requires submission of a Site Development Plan to be reviewed by County agencies (addresses access, traffic, fire code, stormwater management, etc).</p> <p>SDP can't be approved until MDE permit is issued.</p>
	Type 1 Composting Permit	Non-farm operations	M-1 and M-2 zoning districts permitted with a Solid Waste Overlay.	<p>Must be an enclosed facility?? (control odors) Minimum setback to residential property of 300 ft?? ; Zoning Board may impose restrictions as part of the SW zoning case decision.</p> <p>Requires submission of a Site Development Plan to be reviewed by County agencies (addresses access, traffic, fire code, stormwater management, etc). SDP can't be approved until MDE permit is issued.</p>
<b>Composting Type 2</b> Source separated food scraps, manure, food processing materials, etc. per MDE as "moderate" risk materials approved by MDE. (see definition in Sec.26.04.11.02 (38))	No permit Sec.26.04.11.05.C(1)	Farms and residential properties that compost organic materials generated and used on the site	None	Single family properties in RC and RR.
	No permit Sec.26.04.11.05.C(3)	Farm and non-farm facility of 5,000 SF or less area, with height limits for piles	None	Farms and single family properties in RC and RR.
	Permit Sec. 26.04.11.06.D	Farm facility of no more than 40,000 SF that: -complies with General Restrictions in Sec. 26.04.11.04.B --has a soil conservation & water quality mgt plan - composts only organic material generated on site or another farm controlled by the same operator; animal manure and bedding regardless of place of generation; & Type 1 feedstocks regardless of place of generation.	None	Allowed by right in RC and RR (same criteria as MDE, which also allows import of Type 2

Natural Wood Waste and Composting				
	MDE Role	MDE Criteria	Howard County Role	Howard County Criteria (Zoning)
	Permit Sec.26.04.11.06.C	Farm facility greater than 40,000 SF that complies with General Restrictions (Sec. 26.04.11.04.B) & all MDE permit requirements	DPZ administrative permit (Sec.128.0.I of Zoning)?	Allowed on farms in RC and RR districts.  Add potential size limit: ____ sf area? OR ____% of the parcel?  Increase setbacks to ____?
	Type 2 Composting Permit Sec. 26.04.11.05	Non- farms, as well as farm operations not covered above	Conditional use	For RC and RR zoned properties with facilities greater than thresholds above, but not to exceed ____ sf area? OR ____% of the parcel?  Facilities may do not exceed 10,000 cubic yds/ year (threshold for increased MDE stormwater management requirements.  Potential conditional use criteria: <ul style="list-style-type: none"><li>• Setbacks from residential properties(300 ft?? from lot lines or 500 ft from existing houses?)</li><li>• Setback from streams (150ft? 200 ft?)</li><li>• Forest or landscape buffers (minimum width of 100 ft? 200 ft?)</li><li>• How dust and odors will be controlled</li><li>• Adequate access for trucks &amp; emergency vehicles (road classification, site distance)</li><li>• Adequate water supply as determined by DFRS</li><li>• Limits on days and hours of operation</li><li>• Requires submission of MDE permit application</li><li>• </li></ul> The Hearing Examiner can impose other conditions that are appropriate to prevent adverse impacts on adjoining parcels (see General Criteria for all conditional uses).  Requires submission of a Site Development Plan to be reviewed by County agencies (addresses access, traffic, fire code, stormwater management, etc). SDP can't be approved until MDE permit is issued.
	Type 2 Composting Permit	Non-farm operations	M-1 and M-2 zoning districts permitted with a Solid Waste overlay.	Larger facilities than above and/or production exceeds 10.000 cubic yds/year. Must be an enclosed facility.  Zoning Board may impose restrictions as part of the SW zoning case decision?  Requires submission of a Site Development Plan to be reviewed by County agencies (addresses access, traffic, fire code, stormwater management, etc).  SDP can't be approved until MDE permit is issued.

Natural Wood Waste and Composting				
	MDE Role	MDE Criteria	Howard County Role	Howard County Criteria (Zoning)
<b>Composting Type 3</b> Sewage sludge, biosolids, mixed municipal solid waste and other materials MDE determines to be a “higher” risk than Type 1 and 2 Sec.26.04.11.02 (39)	Type 3 Composting Permit Sec. 26.04.11.05	Non-farm operations	M-1 and M-2 zoning districts permitted with a Solid Waste overlay.	Must be an enclosed facility;  Minimum setback to residential property of 300 ft?? 500 ft; Zoning Board may impose other restrictions as part of the SW zoning case decision.  Requires submission of a Site Development Plan to be reviewed by County agencies (addresses access, traffic, fire code, stormwater management, etc).  SDP can’t be approved until MDE permit is issued.